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09/986,022	11/07/2001	Kiyoshi Arima	215819US8	4766	
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			EXAMINER		
1940 DUKE S ALEXANDRI	TREET A, VA 22314	CHIN, PETER			
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				DATE MAILED: 09/22/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)			
Peter Chin 1731 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. THE MAILING DATE OF THIS COMMUNICATION. If the pond for eaply separate in entities able of this communication. If the pond for eaply separate double, the meeting able of this communication. If the pond for eaply separate double, the meeting able of this communication. If the pond for eaply separate double, the meeting able of this communication, and the pond for eaply separate despite the material post of the pond for eaply separate despite able of this communication, and the pond for eaply separate sheet than the property of the meeting date of this communication, were if timely field, may reduce the precision of the pond for eaply separate the adjustments and separate separate separate the meeting date of this communication, even if timely field, may reduce the properties of the meeting date of this communication, even if timely field, may reduce the separate separate the meeting date of this communication, even if timely field.	Office Action Summary		09/986,022	ARIMA ET AL.			
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the proxima of 37 CFR 1.13(a). In no event, however, may a reply be limitly filed after SIX (b) MONTH'S from the mailing date of this communication. It No general to the proximal p							
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Ctaim(s) is/are objected to. 8) Claim(s) 1-14 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/a paproved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Notice of References Cited (PTO-892) 21 Notice of Pafsperson's Patent Drawing Review (PTO-948)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
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Application/Control Number: 09/986,022

Art Unit: 1731

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-8, drawn to a burner nozzle apparatus, classified in class 239, subclass 398.
 - II. Claim 9-14, drawn to a method for making optical fiber, classified in class65, subclass 414.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used to practice a materially different method such as forming semiconductor body.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Mr. Scafetta on Sept. 9, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Application/Control Number: 09/986,022

Art Unit: 1731

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Chin whose telephone number is (703) 308-2046. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

Peter Chin Primary Examiner Art Unit 1731